

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JAMES NATHANIEL DOUSE, JR.,)
Petitioner,)
v.) No. 1:18-CV-123 PLC
JASON LEWIS,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's response to the Court's June 5, 2018 Memorandum and Order. On that date, the Court notified petitioner that his application for writ of habeas corpus was defective for two reasons: (1) because it had not been written on a court-provided form and (2) because it was signed by his father, James N. Douse, Sr., who resides in Atlanta, Georgia, and who is not currently licensed to practice law or admitted to practice before this Court.¹ The Court told petitioner that he needed to amend his petition on a court-provided form, and that he would have to sign his petition pro se. Petitioner was directed to submit the petition to the Court no later than July 3, 2018.

On June 19, 2018, petitioner submitted two separate petitions in this action. The first petition seeks habeas corpus relative to a 1998 conviction from St. Louis County Court. [Doc. #5]. Although petitioner has written his application for writ of habeas corpus on a court-provided form, the petition is once again signed by James N. Douse, Sr., plaintiff's father. Petitioner has failed to sign the petition for relief.

¹ Petitioner seeks to have his father appointed as counsel in this matter. For the aforementioned reasons, the Court will deny his request. [Doc. #7]

Similarly, the second petition seeks habeas corpus relative to a 2007 conviction from St. Francois County Court. And once again, although petitioner has written his application for writ of habeas corpus on a court-provided form, the petition is once again signed by James N. Douse, Sr., plaintiff's father. Petitioner has failed to sign the petition for relief.

Petitioner's father has additionally filed a supplement to the petition seeking his immediate release due to a miscalculation of his sentence. Because petitioner's father is not able to practice in this Court, his motion will be stricken from the Court record. [Doc. #8]

The Court will provide petitioner one last chance to submit an amended petition in this action. Petitioner cannot be represented by his father, James N. Douse, Sr., in this action. If petitioner files a motion or petition signed by Mr. Douse, Sr., the Court will strike the pleading or motion and hold Mr. Douse in contempt of Court.

If petitioner wishes to pursue this action pro se, he must file an amended petition on a court-provided form within twenty-one (21) days of the date of this Memorandum and Order. Petitioner may not challenge two convictions in one petition. *See* 28 U.S.C. § 2254 Rule 2(e). If petitioner wishes to challenge both his St. Louis County and his St. Francois County judgments, he must file separate actions in this Court and pay a second \$5 filing fee. The Court will provide petitioner two separate filing forms in order for him to do so.

Accordingly,

IT IS HEREBY ORDERED that petitioner's applications for writ of habeas corpus and his supplement to the petitions, signed by James N. Douse, Sr., [Doc. #5, #6 and #8] are **STRICKEN** from the Court record.

IT IS FURTHER ORDERED that the Clerk is directed to send petitioner both a motion for leave to proceed in forma pauperis form and two blank § 2254 forms.

IT IS FURTHER ORDERED that, no later than twenty-one (21) days from this Order, petitioner must fill out the § 2254 form, pro se, and return it to the Court. If petitioner fails to comply with this Order, the Court may dismiss this action without further proceedings.

IT IS FURTHER ORDERED that if petitioner wishes to file a second application for writ of habeas corpus, he must file a second action in this Court. Petitioner will need to file a motion to proceed in forma pauperis in that action or pay the \$5 filing fee at the time the action is filed.

IT IS FURTHER ORDERED that petitioner's motion for appointment of his father as counsel in this matter [Doc. #7] is **DENIED**.

IT IS FURTHER ORDERED that James N. Douse, Sr., may not file any additional pleadings, motions or documents with this Court. If he fails to comply with this Court's Order, he may be found in contempt of Court.

Dated this 13th day of August, 2018.

\s\ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE